

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

MITCHELL BRACKNELL

§

§

PLAINTIFF

§

JURY TRIAL DEMANDED

§

VS

§

CASE NO. 2:06 CV-311

§

GINA SAVAGE, DIRECTOR

§

MONTGOMERY DETENTION

§

FACILITY, OFFICER BOWE,

§

OFFICER WRINBERG, OFFICER

§

BRYANT

§

DEFENDANTS

§

AMENDED COMPLAINT

COMES Now Plaintiff and amends the previous amended complaint in this matter to add necessary parties as follows:

PARTIES

1. The Plaintiff is a resident citizen of Montgomery County, Alabama and is over the age of nineteen.
2. Gina Savage is a citizen of Alabama and Director of the Montgomery County, Alabama detention facility.
3. Officer Billy Bowe is or was a guard/officer of the Montgomery County, Alabama detention facility in direct contact with Plaintiff during the relevant period of the issues in this complaint.

4. Officer Wrinberg is or was a guard/officer of the Montgomery County, Alabama detention facility in direct contact with Plaintiff during the relevant period of the issues in this complaint.
5. Officer Bryant is or was a guard/officer of the Montgomery County, Alabama detention facility in direct contact with Plaintiff during the relevant period of the issues in this complaint.

FACTS

6. On January 6, 2005 the Plaintiff was incarcerated by the Circuit Court of Montgomery County, Alabama for a period of six months. Plaintiff was allowed 37 days credit for time served. Plaintiff was due to be released on May 30, 2005 but was not released until July 12, 2005.
7. After May 30, 2005, Plaintiff Bracknell had begged and pleaded with the jail personnel, namely officers Bowe, Wrinberg, and Bryant to check on his release date and his requests were ignored by the same. Thereafter, Plaintiff took affirmative actions by writing to the Clerk of the Circuit Court of Montgomery County, Alabama for help in acquiring a release after the incarcerated period of time for his sentencing had lapsed. The Clerk of Circuit Court acted promptly and contacted the Director of the Detention Facility, Gina Savage. Plaintiff was therefore released immediately due to the actions of the Clerk. Plaintiff had been wrongfully held for approximately 42 days beyond his sentencing.
8. The officers named in paragraphs 3, 4, 5, and 7 above were deliberately indifferent to Plaintiff's liberty rights. Further, Gina Savage through her

position as a supervisor over Bowe, Wrinberg, and Bryant was deliberately indifferent to Plaintiff's liberty rights by not communicating with her officers, or having safeguards in place to prevent an inmate from remaining incarcerated beyond the release date.

9. Plaintiff has been wrongfully detained, denied freedom, denied the comforts of his home, denied the companionship of his wife, denied the companionship of his family, denied the opportunity to work, denied the opportunity to provide for his family, been beaten by other inmates during the wrongful detention period, been made to suffer the frustration of incarceration after his sentencing was completed. Plaintiff has been made to suffer mental anguish due to the malicious, intentional, and outrageous acts of Defendants.

COUNT ONE

42 U.S.C. SECTION 1983

VIOLATION OF CIVIL RIGHTS

10. Plaintiff realleges the prior paragraphs in this count as if stated herein in full.
11. All citizens are entitled to protection of the constitution and amendments to the same. Plaintiff is a citizen and has an entitlement of protection of the constitution and civil rights amendments.
12. The actions of Defendants named in this action have violated and deprived Plaintiff of his Eighth and Fourteenth Amendment rights in that the wrongful detention of Plaintiff violate Plaintiff's rights of due process

and is excessive under the meaning of the Eighth Amendment. Plaintiff has been injured and damaged as stated in paragraph seven above.

WHEREFORE, Plaintiff demands compensation damages, punitive damages as a jury deems reasonable, attorney's fees, plus costs.

/s/J. Scott Hooper  
Attorney for Plaintiff

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**CERTIFICATE OF SERVICE**

**I hereby certify that on the 17th of April 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system that will send notification of such filing to the following parties or counsel:**

**Constance Walker  
Thomas Gallion, III  
Haskell Slaughter Young & Gallion  
P.O. Box 4660  
Montgomery, AL 36103-4660**

**/s/ J. Scott Hooper**